

Commissioner's UPDATE

News from the New Jersey Department of Environmental Protection

March — April 2004



**A Message
from
Bradley M.
Campbell,
Commissioner**

Warmer weather and emerging buds herald the arrival of spring. People and wildlife are coming out of hibernation to enjoy New Jersey's great outdoors.

Every spring, all of us at the New Jersey Department of Environmental Protection (DEP) look forward to celebrating Earth Day on April 22. At DEP, Earth Day is particularly meaningful; it offers a special opportunity to spotlight the work we do every day to protect our air, water, land and other natural resources.

This spring, our efforts include advancing Governor James E. McGreevey's initiative to ensure New Jersey's water resources are clean and plentiful. The Governor's fight to save our treasured Highlands region is now under way, and preserving this precious open space will protect drinking water for more than half of New Jersey's families.

America celebrated its first official Earth Day on April 22, 1970. On that same day, the DEP was founded. Today, under Governor McGreevey's leadership, New Jersey has earned national recognition as a leader in environmental protection. I know everyone at DEP is proud to be part of that success.

Bradley M. Campbell

Governor McGreevey's fight for clean water takes center stage in resource-rich Highlands

Nowhere is the fight to protect drinking water more important than in New Jersey's cherished Highlands region. Its high-quality water resources supply clean, fresh water to more than half of New Jersey's families, yielding more than 400 million gallons every day – a fact that has added urgency to a bold, new protection plan spearheaded by Governor James E. McGreevey.

The Highlands Task Force, established by the Governor last fall, has called for "immediate action" to implement a series of its recommendations to preserve the resource-rich Highlands and protect its vital drinking-water supply from the dangers of burgeoning development. Governor McGreevey charged the task force with delivering recommendations that would advance water-resource protections, conservation efforts, smart growth, and regional planning in the Highlands. The task force presented an action plan to the Governor and the New Jersey Legislature in March.

In response, New Jersey lawmakers introduced S-1, the "Highlands Water Protection and Planning Act," comprehensive legislation that encompasses the task force's key recommendations. Soon after, lawmakers on both the Senate Environment Committee and the Assembly Environment and Solid Waste Committee began holding joint public hearings on the legislation. The legislation is on track to be voted out of committee by Earth Day, April 22.

The Highlands region spans portions of New Jersey, New York, Pennsylvania and Connecticut, and is widely regarded as a national treasure. Situated near the nation's largest metropolitan area, the Highlands is an oasis of rolling hills, forests, farmland, and pristine lakes, reservoirs

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Governor McGreevey talks with Senator Joseph Coniglio and members of Paramus Girl Scout Troops 271 and 404 about the importance of preserving the Highlands to safeguard the drinking water it provides to New Jersey residents.

New testing law protects health of families relying on well water

New Jersey families preparing to purchase or rent homes with private wells can now get the information they need about the safety of their drinking water, thanks to a new law that requires water-quality testing.

Implemented under the leadership of Governor James E. McGreevey, the Private Well Testing Act requires property owners with private drinking-water wells to test untreated water and disclose testing results before selling or leasing the property. New Jersey is the only state that requires mandatory testing of private wells as part of real estate transactions.

New Jersey Department of Environmental Protection (DEP) Commissioner Bradley M. Campbell recently announced the test results from more than 5,000 private drinking-water wells sampled statewide during the first six months of the DEP's Private Well Testing Program, established by the new law.

Of 5,179 well tests triggered by real estate transactions from September 2002 to March 2003, eight percent (417 wells) failed to meet health-based standards for drinking-water contaminants, excluding lead. The remaining 4,762 wells, which represent approximately one percent of New Jersey homes with private wells, passed all required health-based standards, excluding lead.

Elevated nitrate levels were the most common reason for failure, followed by fecal coliform and volatile organic compounds. Fertilizer runoff and septic leaching generally cause elevated nitrate levels, while sewer leaks, septic leaching and animal waste runoff contribute to fecal coliform levels. Volatile organic compounds enter the water after improper disposal of solvents and fuels.

For more information on the Private Well Testing Act, or to see the results of the study, log on to www.nj.gov/dep/pwta.

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Flanked by (left) Closter Mayor Fred Pitofsky and DEP Commissioner Bradley M. Campbell, Governor McGreevey announced new stormwater rules on the banks of the Anderson Brook, a tributary of the Oradell Reservoir in Closter.

NJ safeguards drinking water from dangers of development with nation's strongest stormwater rules

For the first time in 20 years, New Jersey is tackling the serious water-quality threat posed by polluted stormwater runoff with new regulations that represent the strongest and most comprehensive clean-water initiative in the nation.

Governor James E. McGreevey early this year announced the formal adoption of two sets of stormwater rules that will help curb haphazard development and reduce pollution that washes into New Jersey's reservoirs, rivers, streams and other waterways during rainstorms. Contaminated stormwater runoff accounts for nearly 60 percent of New Jersey's current water pollution.

What makes the combined effect of the C1 designation and the new stormwater rules particularly significant is its expansive approach to water protection.

Consistent with Governor McGreevey's smart-growth initiatives, the stormwater rules are designed to reduce the impact of growth on New Jersey's water resources by steering new development away from sensitive streams and reservoirs that supply drinking water. Poorly designed development jeopardizes our critical natural resources by increasing the amount of impervious cover and pavement, and preventing rainfall from replenishing underground aquifers. New

roads and large, scattered sites of housing create currents of stormwater runoff that carry trash, road salts, oil and other contaminants into our streams and rivers.

The rules also establish stricter performance standards for development, including requirements to protect areas that recharge the state's groundwater. Further, the stormwater rules promote redevelopment in New Jersey's cities and older suburbs by waiving groundwater recharge requirements in these smart-growth areas.

Key among the special protections in the new stormwater rules is a requirement that 300-foot vegetative buffers be maintained along Category One (C1) waterways to help filter pollutants and preserve these high-quality waters. C1 is the state's highest level of water-quality protection. It ensures there will be no further degradation to the quality of the reservoirs and streams that supply drinking water to New Jersey's families and critical habitat to sensitive species. All told, more than 6,000 stream miles will be protected under these special buffer requirements.

What makes the combined effect of the C1 designation and the new stormwater rules particularly significant is its expansive approach to water protection. Not only is the quality of a particular water body protected, so are the tributaries that feed them, ensuring the drinking water New Jersey's families depend on is being protected at its source.

Farmers offered financial incentives to prevent water pollution

Strengthening efforts to make New Jersey's water resources cleaner and safer, Governor James E. McGreevey signed an agreement with federal officials to provide financial incentives to New Jersey farmers who voluntarily install vegetative buffers that prevent

polluted runoff from washing into streams near their land. The agreement with the U.S. Department of Agriculture creates the Conservation Reserve Enhancement Program, a \$100-million initiative to encourage farmers to reduce nonpoint source pollution by planting trees, shrubs, vegetative water-filtering strips, contour grass strips and grass waterways along nearby streams.

Under the Conservation Reserve Enhancement Program, owners of farmland install and maintain this protective vegetation through 10- to 15-year rental contract agreements. Landowners also can apply to maintain the land permanently, thereby providing a continual source of protection for their piece of land. The program gives participating landowners annual rental and incentive payments for establishing the buffer zones, as well as 100 percent of the cost to establish approved practices. Farmers also reap the aesthetic benefits of more vegetation and cleaner water.

New Jersey's Conservation Reserve Enhancement Program is sponsored jointly by the state departments of Agriculture and Environmental Protection. New Jersey will receive \$77 million in federal funds and contribute \$23 million in state funds to implement the new program over a 10-year period.

The new water-quality protection program complements New Jersey's new stormwater rules that call for 300-foot buffers around the state's high-quality waterways.

Governor's proposed arsenic standard is toughest in U.S.

To protect the health of New Jersey's families, Governor James E. McGreevey has proposed the nation's toughest drinking-water standard for arsenic, a known carcinogen.

The new rules would limit arsenic concentrations in drinking water to five parts per billion (ppb), effective January 2006. No other state has set an arsenic standard as protective. In fact, New Jersey's proposed new standard is half of the 10-ppb arsenic level the federal government intends to allow in drinking water beginning January 2006.

Arsenic is a naturally occurring element found throughout New Jersey. Arsenic leaches into the ground from eroding rock deposits that contain arsenic. Long-term exposure to arsenic through drinking water can cause cancer of the skin, lungs, urinary bladder and other organs.

The new standard also would apply to private well owners regulated under New Jersey's Private Well Testing Act, requiring consumer notification about arsenic concentrations when selling or renting property. (See story on page 2.)



Governor McGreevey and Jim Little, Administrator of USDA's Farm Service Agency, signed an agreement that provides money to farmers who protect water quality. Joining them were Joanna Dunn Samson, DEP's Deputy Commissioner; Paul Hlubik, Farm Service Agency's Executive Director; Charles Kuperus, NJ Agriculture Secretary; David Boone, NJ Agriculture Society President; and Tony Kramer, State Conservatist.

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Fight for clean water

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and streams. Every year, some 20 million people visit the Highlands to enjoy its breathtaking scenic beauty, rich wildlife habitat, historic sites and wealth of recreational opportunities.

New Jersey's portion of the Highlands is a 1,250-square-mile area that stretches across the northwestern part of the state. It is New Jersey's last large, unprotected expanse of contiguous forest and unspoiled mountain lakes and streams. As is the case with much of New Jersey's undeveloped land, however, the Highlands is increasingly at risk of being devoured by sprawl, prompting Governor McGreevey to make Highlands preservation a top priority.

Since taking office, Governor McGreevey has protected approximately 17,000 acres of open space in and around the Highlands, preserved more than 4,500 acres of farmland in the region and designated seven Highlands waterbodies as Category One (C1), the state's highest level of water-quality protection.

The task force's key recommendations included:

- ❖ Identifying and protecting a core area of the Highlands' most sensitive land – a specially designated Preservation Area that is expected to cover between 350,000 and 390,000 acres.
- ❖ Enhancing environmental protections in the Preservation Area with the Legislature directing DEP to develop regulatory standards and limits for land and natural resource uses, including impervious cover, steep slopes, waste-water treatment extensions, water allocations and buffers on freshwater wetlands.
- ❖ Creating a Highlands drinking water protection and regional planning council, comprising elected local and county officials and citizens, and developing a regional master plan for the Highlands

region that preserves natural resources and enhances sustainable growth and quality of life. The Council would have independent, mandatory authority for planning, zoning and enforcement in the Preservation Area, with advisory authority outside the designated core area.

- ❖ Enhancing the land preservation program in the Highlands with the Governor directing state agencies to immediately target the Preservation Area, particularly lands that provide the greatest protection for drinking water, and large forested areas, for open space acquisition and preservation under the Green Acres and Farmland Preservation programs.
- ❖ Mobilize state agencies, specifically the departments of Environmental Protection, Agriculture, Transportation, and Education, and the Commerce and Economic Growth Commission, into concerted action to protect the Highlands. These agencies should examine how state aid, assistance and incentives can be used to encourage protection of natural resources and promote smart growth.
- ❖ Collaborate with the other Highlands states to develop a regional preservation strategy.

Under Governor McGreevey's leadership, New Jersey is on the verge of adopting a comprehensive strategy that will protect the Highlands, its precious drinking-water supply and other natural resources for generations to come. Stay tuned.

Celebrate Earth Day!

Find out about Earth Day special events being held in your local parks, schools and community centers.

Visit www.nj.gov/dep/seeds/earthday/eday and click on Events Calendar.

